



SENTENCING IN WISCONSIN

Snapshots of Information on Wisconsin Sentencing

March 3, 2006

Vol. 3, No. 2

Improving Guideline Worksheet Submission: Results from a Survey of Wisconsin Judges

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The Wisconsin Sentencing Commission (WSC) currently receives worksheets for approximately 30% of the guideline offenses. This overall submission rate varies extensively by county; for example, 13 counties have submitted zero worksheets since the implementation of the process in 2003, 31 counties submit 25% or less, and only 15 counties submit worksheets more than 50% of the time.

To understand the reasons for the discrepancy in submission rates, WSC was charged with the task of compiling a survey to be sent out to all 241 state circuit court judges. Results will then be used to determine methods to improve submission rates.

Of the 241 judges asked to respond to the survey, 30% (70) replied, reflecting the present worksheet submission rate. 33% of judges who submit worksheets (at any frequency) responded to the survey, while only 19% of judges who never complete worksheets replied.

Worksheet Completion Frequency

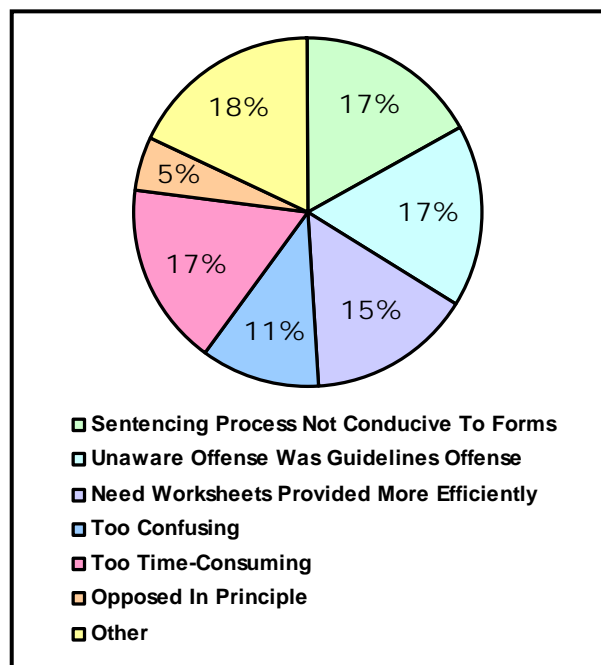
The judges who participated in the survey were asked to classify their worksheet completion frequency into one of four categories: (a) always (b) frequently (c) seldom and (d) never. The most commonly chosen category was 'frequently', which accounted for 24 judges (34%). Judges who seldom complete worksheets account for 24% (17) of the respondents, just surpassing the number of judges who always submit worksheets (16, 23%). 14 judges report never completing guidelines worksheets; they account for 20% of the respondents.

Reasons for Non-Submissions

Judges were asked to give concrete reasons to help shed light on the relatively low submission rate across the state. The six choices available to the judges were:

- *Your court sentencing process is not conducive to completing the worksheet form.*
- *You are unaware the conviction is a guideline offense.*
- *You need the worksheets provided in advance more efficiently.*
- *The worksheets and notes are too confusing.*
- *The worksheets and notes are too time-consuming.*

Chart 1 – Reasons for Non-Submissions



It is also important to look at the non-submission reasons in relation to the frequency of worksheet submission among Wisconsin circuit court judges. Judges who frequently submit guidelines worksheets to the commission state that the most common reason they do not submit the worksheets is that they are unaware that the conviction offense is a guideline

offense. The most common non-submission reason for judges who seldom submit worksheets is that they are too time-consuming, while those judges who never complete worksheets most often claim that their court sentencing process is not conducive to completing the forms.

"Other" Reasons for Non-Submissions

Almost half of the judges chose to enter their own reasons for worksheet non-submission either in lieu of or in addition to the available choices (25, 46%). Considering the fact that "other" is the number one reason for non-submission, it is imperative to understand the main rationales behind judges' non-submission in order to propose a better procedure for completing the worksheet forms in the future. Five main reasons were expressed; they are:

- *Forget To Complete Form* (20%)
- *Worksheets Provide Little Guidance For Decision-Making* (16%)
- *Worksheet Factors Not Mitigating Or Aggravating* (12%)
- *Judge Not Assigned To Criminal Court* (12%)
- *Plea Agreement* (8%)

Judges' Recommendations

After looking at the data, it is apparent that many judges were of like mind in regard to their opinions on how to improve the process—and subsequent submission rates. Within the context of recommendations, three main ideas prevailed.

1. Uniformity – Since guideline offenses are not dealt with exclusively by most judges, often, the worksheets are inadvertently overlooked. To remedy this, judges recommended that a uniform process be implemented that brings the worksheets to their attention before a sentencing hearing. Another simple way to guarantee that judges are reminded of the worksheets is to require the clerk of court (or other staff member preparing the case file) to place a copy of the appropriate worksheet into the files.

2. Assistance – A second common concern judges expressed was that their workdays are so overburdened that it is nearly impossible to fill out the worksheets themselves. This led many judges to express interest in passing the responsibility of filling out the bulk of the worksheets to a designated entity that handles other aspects of the case proceedings.

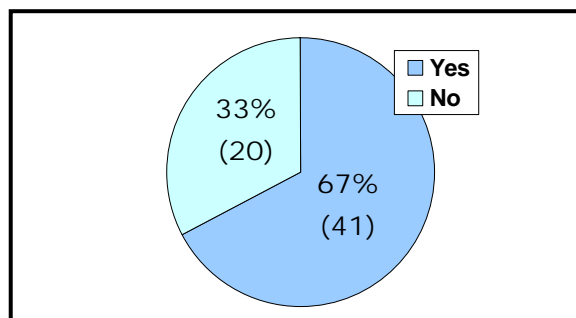
3. Simplicity – Finally, a few judges have suggested that the only way to improve the worksheet

submission process is to either simplify the worksheets or eliminate them altogether. This suggests that the worksheets available to the judges presently (though previously modified to increase ease of use and brevity) are still beyond the level of simplicity desired by the judges.

Knowledge of Submission Process

It is thought that by comprehending the worksheet submission process, the likelihood that judges will complete and submit worksheets will increase. Thus, judges were asked whether or not they understand the process by which the completed worksheets are submitted to the commission. Of the judges who submit worksheets with some level of frequency, the judges who comprehend the process made up 67% (41) of respondents. 33% (20) judges acknowledged that they know little or nothing about the submission process, indicating a need for judge education on the submission process.

Chart 2 –Knowledge of Submission Process



Electronic Submissions

In a day and age driven by technology, WSC is interested in making it possible for judges to submit the guideline worksheets electronically (while still leaving the option for hard copy). In efforts to streamline the submission process, WSC asked judges whether or not they would partake in online submission. 47% (31) judges indicated they would submit worksheets online, while 53% (35) judges would continue submitting hard copy worksheets.

Colleagues Online

Of the judges who completed the survey, 34% (20) said they believe that their colleagues would prefer having the worksheets available online for completion, while 66% (39) said that their colleagues would not want the worksheets put online. This suggests that judges are more confident of their own technological skill than their counterparts'.

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